

### **REMARKS**

The above claim amendments are submitted along with the following remarks to be fully responsive to the outstanding final Office Action mailed October 31, 2007. It is further submitted that this response is timely filed within the three month shortened statutory period. Reconsideration of all outstanding grounds of objection and rejection and allowance of the subject application are respectfully requested.

#### **Amendments and support therefore**

Upon entry of this amendment, claims 25, 55, and 57 will have been amended.

Claims 25 and 55 were amended to recite that the hardening agent comprises about 10 wt % to about 12 wt % sodium acetate. Support for this amendment is found in the Specification on page 11, lines 26-30. Further support is found in the Examples, particularly in Example 6 on page 32 and in Example 8 on page 34 of the application as originally filed, and again in Example 9 on pages 37 and 38. The test formulations include 9.00 wt % up to 12.00 wt% concentration of sodium acetate.

Claim 57 was amended to delete coco monoethanolamide.

#### **Rejection of claim 57 under 35 USC 112 as being indefinite**

The Examiner rejected claim 57 as being vague and indefinite because it listed "coco monoethanolamide" as an amphoteric surfactant. Applicants agree with the Examiner that "coco monoethanolamide" is a nonionic compound. Applicants have amended claim 57 to delete "coco monoethanolamide." Applicants believe the claim amendment renders the Section 112 rejection moot and request withdrawal of the rejection.

#### **Rejection of claims 25, 26, 28, 30, 39, 40, 42, 44-46, 50, and 55 under 35 USC 103(a) as being unpatentable over Menke et al**

The Examiner has rejected claims 25, 26, 28, 30, 39, 40, 42, 44-46, 50, and 55 under 35 USC 103(a) as being unpatentable over Menke et al, USP 5,759,974. Applicants have amended independent claims 25 and 55 to specifically claim the hardening agent comprises sodium acetate. Menke et al do not teach incorporating sodium acetate into their block. Moreover, even though sodium acetate is not specifically listed as a component of Menke et al., sodium acetate does not fall into any of the myriad of Menke et al. categories listed as possible components. Applicants believe this claim amendment overcomes the Examiner's rejection based upon Menke et al. and earnestly solicit withdrawal of this amendment.

The withdrawal of the obviousness rejection of claims 25-28, 30, 39, 40, 42, 44-46 and 50 over Menke et al. is thus appropriate and is respectfully requested.

**Rejection of claims 25, 26, 28, 30, 39, 40, 42, 44-48, 50 and 55 under 35 USC 103(a) as being unpatentable over Herbots, WO 99/02638**

The Examiner has rejected claims 25, 26, 28, 30, 39, 40, 42, 44-48, 50 and 55 under 35 USC 103(a) as being unpatentable over Herbots, WO 99/02638. Applicants have amended independent claims 25 and 55 to specifically claim the hardening agent comprises sodium acetate. Herbots et al. do not teach incorporating sodium acetate into their block. Moreover, even though sodium acetate is not specifically listed as a component of Herbots et al, similar to Menke et al., sodium acetate does not fall into any of the Herbots et al. categories of possible components. Based upon the teaching of Herbots, the skilled artisan would not have been motivated to incorporate sodium acetate into a detergent. Applicants believe this claim amendment overcomes the Examiner's rejection based upon Herbots et al. and earnestly solicit withdrawal of this amendment.

**Rejection of claims 34-37 under 35 USC 103(a) as being unpatentable over Menke et al, or Herbots, in further view of Kott et al (USP 6,303,556)**

The Examiner has rejected claims 34-37 under 35 USC 103(a) as being unpatentable over Menke et al, or Herbots, in further view of Kott et al (USP 6,303,556). More particularly, the Examiner asserts that Kott et al make up for the lack of a teaching in either Menke or Herbots of the use of a magnesium salt of [sic] alkyl benzene sulfonate. This rejection is respectfully traversed.

As discussed herein above, independent claims 25 and 55 were amended to include the limitation of inclusion of sodium acetate as a hardening agent. Kott does not overcome the deficiencies of Menke or Herbots. None of the cited references teach or suggest inclusion of sodium acetate into a detergent. Withdrawal of this rejection is thus appropriate and respectfully requested.

**Rejection of claims 27 and 32 under 35 USC 103(a) as being unpatentable over Herbots, and further view of Surutzidis et al (USP 5,858,959)**

The Examiner has rejected claim 27 and 32 under 35 USC 103(a) as being unpatentable over Herbots and in further view of Surutzidis et al (USP 5,858,959). More particularly, the Examiner asserts that Surutzidis et al make up for the lack of a teaching in Herbots of the use of an inorganic magnesium salt. This rejection is respectfully traversed.

As discussed herein above, independent claims 25 and 55 were amended to include the limitation of inclusion of sodium acetate as a hardening agent. Surutzidis does not overcome the deficiencies of

Herbots. Neither of the references teaches nor suggests inclusion of sodium acetate into a detergent.

Withdrawal of this rejection is thus appropriate and solicited.

**Rejection of claims 51-54 under 35 USC 103(a) as being unpatentable over Menke or Herbots, and further view of Feist et al (US 6,329,335), Fry et al (US 5,225,100) or Davies (US 5,658,874)**

The Examiner has rejected claim 51-54 under 35 USC 103(a) as being unpatentable over Menke or Herbots and in further view of Feist et al (US 6,329,335), Fry et al (US 5,225,100) or Davies (US 5,658,874). This rejection is traversed. Applicant has amended independent claims 25 and 55 to include the limitation of requiring about 9 wt % to about 12 wt % sodium acetate. Feist fails to overcome the deficiencies of Herbots or Menke because it does not teach or suggest incorporating sodium acetate into a detergent.

Fry and Davies both mention sodium acetate as a tablet lubricant in a detergent. Sodium acetate is listed in their “class” of “tablet lubricants” along with calcium, magnesium, and zinc soaps, talc, glyceryl behapate, Myvatex, sodium benzoate, polyethylene glycol, and colloidal silicas. Fry and Davies fail to provide any suitable range of amount for inclusion of sodium acetate into a composition. Based upon Fry and/or Davies, a skilled artisan would not arrive at the 9-12 weight percent sodium acetate of the invention. The claims of the present invention further require polyethylene glycol. Examples in Fry and Davies do include polyethylene glycol but they fail to include the combination of sodium acetate and polyethylene glycol as required by the amended claims. Moreover, if any “tablet lubricant” is included in addition to polyethylene glycol, it is only ever present in an amount far below the claimed minimum range of about 9 weight percent. Fry et al. do not teach polyethylene glycol in combination with any other “tablet lubricants.” Example 2 of Davies discloses 4.3% PEG combined with 4.2 % sodium disilicate. Therefore, only one example even contemplates the combination of another “tablet lubricant” with PEG and that one example fails to teach sodium acetate in combination with PEG. Moreover, even if sodium acetate were exchangeable for other “tablet lubricants”, the skilled artisan would not arrive at the claimed amounts of about 9 wt % to about 12 wt % because the taught amount of 4.2% is substantially lower than Applicant’s claimed range.

The combination of Menke or Herbots and Davies or Fry does not render Applicants’ invention obvious for the reasons argued above. As such, withdrawal of the rejection based upon these references is hereby requested.

**Rejection of claims 56-58 under 35 USC 103(a) as being unpatentable over Menke or Herbots, and further view of Stamm (US 6,057,281)**

The Examiner has rejected claims 56-58 under 35 USC 103(a) as being unpatentable over Menke or Herbots and in further view of Stamm (US 6,507,281). Stamm was relied upon as teaching inclusion of water soluble betaines surfactants such as lauramidopropyl betaines and cocomido betaines. The

Examiner asserted that the teaching would suggest cocoamidopropyl betaine. Applicants respectfully traverse this rejection.

As discussed herein above, independent claims 25 and 55 were amended to include the limitation of sodium acetate as a hardening agent. Stamm fails to overcome the deficiencies of Herbots or Menke to teach or suggest addition of sodium acetate in a detergent. Withdrawal of this rejection is thus appropriate and respectfully requested.

**CONCLUSION**

In light of the foregoing remarks, it is respectfully submitted that the grounds of rejection raised in the pending Office Action have been overcome and that the present case is now in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully Submitted,  
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Dated: January 24, 2008